

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1, 3-18, 20, and 21 are pending. In the present amendment, Claims 1, 13, 17, and 18 are currently amended; Claims 2 and 19 are canceled without prejudice or disclaimer; and new Claims 20 and 21 are added. Support for the present amendment can be found in the original specification, for example, at page 6, lines 31-37, at page 12, line 26 to page 13, line 2, at page 13, lines 19-27, in Figures 1-5, and in original Claim 2. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 19 was rejected under 35 U.S.C. § 112, first and second paragraphs; Claims 1, 13, and 19 were rejected under 35 U.S.C. § 102(b) as anticipated by Urai (U.S. Patent No. 3,922,029); Claims 1-11 were rejected under 35 U.S.C. § 102(b) as anticipated by Hug (German Patent Application No. 2253307); and Claims 12-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hug in view of Urai.

The specification is hereby amended to be consistent with Figure 2. It is respectfully submitted that no new matter is added.

Initially, it is noted that Claim 19 is hereby canceled without prejudice or disclaimer. Thus, it is respectfully submitted that the rejections of Claim 19 are moot and should be withdrawn.

Turning now to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Amended Claim 1 recites, in part, an adjustable seat for a motor vehicle comprising a cushion, a backrest, a lower connecting device, an upper connecting device, and an intermediate connecting device. The intermediate connecting device is connected to the

upper connecting device which is connected to an upper structural element of the vehicle. The intermediate connecting device is also connected to an upper part of the backrest to allow displacement of the upper part of the backrest relative to the upper connecting device. Further, the intermediate connecting device is connected to the upper part of the backrest with a sliding pivot connection such that the backrest slides within the sliding pivot connection to be displaced with respect to the intermediate connecting device.¹ It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Initially, with regard to the rejections under 35 U.S.C. § 102(b), the Office Action merely cites to the references, and does not provide any discussion of how the references are used to reject these claims. Accordingly, it is respectfully submitted that the PTO should clearly indicate the basis for a rejection. MPEP §707.07(d) states “[w]here a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated.” Furthermore, MPEP §706.02(j) states “[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. Furthermore, if an initially rejected application issues as a patent, the rationale behind an earlier rejection may be important in interpreting the scope of the patent claims.” Thus, in any future rejection, it is respectfully requested that the PTO individually address the subject matter of each of the claims.

Regarding Urai, as can be seen in Figures 5-7 of Urai, an upper portion of the backrest 104 is connected to the ceiling 107 by a hydraulic piston-cylinder unit 110. Thus, Urai does not disclose both an upper connecting device and an intermediate connecting device.

¹ See the original specification, for example, at page 12, line 26 to page 13, line 2, at page 13, lines 19-27 and in Figures 4 and 5.

However, even if the hydraulic piston-cylinder unit is interpreted as being an intermediate connecting device, it is respectfully submitted that Urai does not disclose or suggest that “the intermediate connecting device being connected to the upper part of the backrest with a sliding pivot connection such that the backrest slides within the sliding pivot connection to be displaced with respect to the intermediate connecting device,” as recited in amended Claim 1.

Instead, as can be seen in Figures 5-7 of Urai, the hydraulic piston-cylinder unit 110 is fixedly connected to the upper portion of the backrest 104 around a rotation axis. Thus, the end of the cylinder unit 110 that is connected to the upper portion of the backrest 104 does not allow the backrest to slide with respect to this connection. Instead, as evidenced by Figures 5-7, the attachment part of the cylinder unit 110 rotates with respect to the backrest around a fixed axis. Thus, the hydraulic piston-cylinder unit 110 is not the claimed intermediate connecting device.

Accordingly, it is respectfully submitted that Urai does not disclose or suggest every feature recited in amended Claim 1. Thus, it is respectfully requested that the rejection of Claim 1 as anticipated by Urai be withdrawn.

Claim 13, while directed to an alternative embodiment, recites an intermediate connecting device that is similar to the intermediate connecting device recited in Claim 1. Accordingly, it is also respectfully submitted that Claim 13 patentably defines over Urai. Therefore, it is respectfully requested that the rejection of Claim 13 as anticipated by Urai be withdrawn.

As can be seen in Figures 1, 2, 3, 6, and 7 of Hug, the backrest 12 described in Hug is directly connected to the roof 1 of the vehicle. Further, even if the rollers 13 and 14 are considered to be an upper connecting device, Hug does not describe an intermediate connecting device. Specifically, Hug does not disclose or suggest an “intermediate

connecting device being connected to the upper part of the backrest with a sliding pivot connection such that the backrest slides within the sliding pivot connection to be displaced with respect to the intermediate connecting device.” Thus, it is respectfully submitted that Hug does not disclose or suggest every feature recited in amended Claim 1. Accordingly, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as anticipated by Hug be withdrawn.

Regarding the rejection of Claims 12-18 under 35 U.S.C. § 103(a), in view of the above discussions of Urai and Hug, it is noted that neither Urai nor Hug disclose or suggest the claimed intermediate connecting device. Thus, as neither reference discloses the intermediate connecting device, it is respectfully submitted that no combination of these two references discloses or suggest the intermediate connecting device. Therefore, it is respectfully requested that the rejection of Claims 12-18 as unpatentable over Hug in view of Urai be withdrawn.

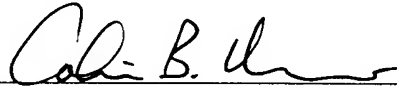
New Claims 20 and 21 are added by the present amendment. Support for new Claims 20 and 21 can be found in the original specification, for example, at page 6, line 31-37, and in Figures 1-5. Thus, it is respectfully submitted that no new matter is added.

It is noted that new Claims 20 and 21 depend on Claims 1 and 13, respectively. Thus, new Claims 20 and 21 are believed to be patentable for at least the reasons discussed above with respect to Claims 1 and 13. Further, as can be seen from the figures in Urai and Hug, neither reference shows that the seat is connected to the lower connecting device by only a single leg. Further, neither reference could be modified to be connected via a single leg without changing the principle of operation thereof. Thus, it is respectfully submitted that Claims 20 and 21 further patentably define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969